REMARKS

The Office Action mailed December 2, 2003 has been carefully reviewed and the foregoing amendment and following remarks are made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-18 stand rejected. Claims 1, 3-6, 8-12, 14-16, and 18 have been amended. Claims 19 and 20 have been newly added. No new matter has been added.

The rejection of Claims 1-18 under 35 U.S.C. § 103 as being unpatentable over Papadopoulos et al. (U.S. Pat. No. 6,282,454) in view of Petri Jokela, Wireless Internet Access Using Anonymous Access Methods (November 1999), referred to as Jokela, and further view of Eady et al. (U.S. Pat. No. 6,304,788) is respectfully traversed.

Papadopoulos et al. describe a web server (30) that provides a direct connection for a programmable logic controller (PLC) (32) to the Internet (14) by plugging the web server into its back plane (34) (column 4, lines 21-24). A user at a remote location will browse the Internet for a home page of an installation of a programmable logic controller system (column 9, lines 56-58). The home page will allow the user to acquire a snapshot of the PLC's operations by allowing a view of various pages that will allow access to registers within the PLC (column 9, lines 60-63). Other pages will also include displays of the PLC's configuration, remote and distributed I/O modules health statistics, display registers, back plane configuration, Ethernet statistics and others (column 9, lines 63-66).

Jokela describes a system for accessing the Internet from a mobile computer (abstract). The Internet access through current cellular networks is provided by using dial-up services. First, a mobile user has to dial his Internet Service Provider and, using e.g., the Point-to-Point Protocol (PPP), to transmit IP-packets first to the ISP, who in turns forwards the packets to the Internet (page 194, Introduction).

Eady et al. describe a medical-monitor server (308) that communicates with medical-monitor clients, for example, a medical-monitor client (356), to configure medical-monitoring devices and retrieve any information necessary from the device (column 5, lines

21-24, Figure 3). When the medical-monitor server is initiated, it takes control of a TCP/IP service port and listens for incoming connections from various clients over a network such as network (104) (column 5, lines 24-27). When the medical-monitor server sees an incoming connection, it then attempts to confirm the validity of the client and the data that is being sent to the medical-monitor server (column 5, lines 27-30). Once this has been established, the medical-monitor server may then start a bi-directional conversation using a custom language that both the server and the client understand (column 5, lines 31-34). The set of medical monitoring devices (108) can be made of various components that have been calibrated and are capable of providing accurate date on various vital signs (column 2, lines 47-49).

Claim 1 recites a method for controlling and monitoring an industrial controller using a portable wireless device, utilizing a system including a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), wherein the method includes "monitoring and controlling a system using a programmable logic controller (PLC)...exchanging communications between the PLC and a local server...exchanging communications between the local server and a wireless Internet Service Provider (ISP) server utilizing the Internet...transmitting commands from a wireless user communication device to the PLC using the wireless ISP server...displaying information retrieved from the PLC using the wireless ISP server."

None of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest a method for controlling and monitoring an industrial controller using a portable wireless device, and utilizing a system that includes a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), wherein the method includes monitoring and controlling a system using a programmable logic controller (PLC), exchanging communications between the PLC and a local server, exchanging communications between the local server and a wireless Internet Service Provider (ISP) server utilizing the Internet, transmitting commands from a wireless user communication device to the PLC using the wireless ISP server, and displaying information retrieved from the PLC using the wireless ISP server.

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Specifically, none of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest transmitting commands from a wireless user communication device to the PLC using a wireless ISP server and displaying information retrieved from the PLC using the wireless ISP server. Rather, in contrast to the present invention, Papadopoulos et al. describe viewing various pages that allow access to registers within the PLC, Jokela describes dialing, by a mobile user, his Internet Service Provider and transmitting IP-packets to the ISP, and Eady et al. describe initiating the medical-monitor server to take control of a TCP/IP service port and to listen for incoming connections from various clients over a network. Accordingly, none of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest transmitting commands from a wireless user communication device to the PLC using a wireless ISP server and displaying information retrieved from the PLC using the wireless ISP server. For at least the reasons set forth above, Claim 1 is patentable over Papadopoulos et al. in view of Jokela and further in view of Eady et al.

Claims 2-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-8 likewise are patentable over Papadopoulos et al. in view of Jokela and further in view of Eady et al.

Claim 9 recites a system for controlling and monitoring an industrial controller using a wireless device, the system comprising "a programmable logic controller (PLC); a local server configured to exchange communication with said PLC; a wireless Internet Service Provider (ISP) server configured to exchange communication with said local server using the Internet; and a wireless user communication device configured to exchange communication with said wireless ISP server, wherein said wireless user communication device and said PLC configured to exchange information via the wireless ISP server."

None of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest a system for controlling and monitoring an industrial controller using a wireless device, the system including a programmable logic controller (PLC), a local server configured to exchange communication with the PLC, a wireless

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Internet Service Provider (ISP) server configured to exchange communication with the local server using the Internet, and a wireless user communication device configured to exchange communication with the wireless ISP server, where the wireless user communication device and the PLC configured to exchange information via the wireless ISP server.

Specifically, none of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest a wireless user communication device configured to exchange communication with the wireless ISP server, where the wireless user communication device and the PLC configured to exchange information via the wireless ISP server. Rather, in contrast to the present invention, Papadopoulos et al. describe the home page will allow the user to acquire a snapshot of the PLC's operations, Jokela describes the ISP that receives IP packets transmitted from the mobile user, and Eady et al. describe the medical-monitor server that is initiated to take control of a TCP/IP service port and to listen for incoming connections from various clients over a network. Accordingly, none of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest the wireless user communication device and the PLC configured to exchange information via the wireless ISP server. For at least the reasons set forth above, Claim 9 is patentable over Papadopoulos et al. in view of Jokela and further in view of Eady et al.

Claims 10-18 depend from independent Claim 9. When the recitations of Claims 10-18 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10-18 likewise are patentable over Papadopoulos et al. in view of Jokela and further in view of Eady et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-18 be withdrawn.

Moreover, Applicant respectfully submits that the Section 103 rejection of Claims 1-18 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Papadopoulos et al., Jokela, or Eady et al., considered alone or in combination, describe or suggest the claimed

combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Papadopoulos et al. with Jokela and Eady et al. because there is no motivation to combine the references suggested in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.
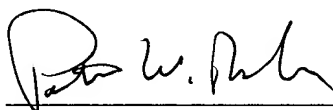
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Papadopoulos et al. teach viewing various pages that allow access to registers within the PLC, Jokela teaches dialing, by a mobile user, his Internet Service Provider and transmitting IP-packets to the ISP, and Eady et al. teach initiating the medical-monitor server to take control of a TCP/IP service port and to listen for incoming connections from various clients over a network. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant's request that the Section 103 rejection of Claims 1-18 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-18 under 35 U.S.C. 103(a) be withdrawn.

Newly added Claims 19-20 depend indirectly from independent Claim 1, which is submitted to be in condition for allowance and patentable over the cited art. For at least the reasons set forth above, Applicant respectfully submits that Claims 19-20 are also patentable over the cited art.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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